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### REMARKS

Entry of this Amendment is proper since it does not raise new issues and does not require a further search by the Examiner.

Claims 1-20 are all of the claims presently pending in the present Application. Minor amendments have been made to claims 1 and 8.

It is noted that the claim amendments herein are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability.

Further, it is noted that, notwithstanding any claim amendments made herein, Applicants' intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Applicant gratefully acknowledges the Examiner's indication that claims 2 and 9 would be allowable if rewritten in independent form. However, Applicant respectfully submits that all of the claims are allowable.

Claims 1, 3, 8 and 14-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ma et al. (U.S. Patent No. 6,795,867). Claims 4-7 and 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ma et al. in view of Mortsolf et al. (U.S. Patent No. 6,229,804).

These rejections are respectfully traversed in view of the following discussion.

#### **I. THE CLAIMED INVENTION**

The claimed invention (e.g., as recited in claim 1) is directed to a gatekeeper connected to an H323 network, including a first message receiving section which receives a gatekeeper discovery message from an end point, a transport data transmitting section, and a control section which determines whether the gatekeeper has the lightest load among a plurality of gatekeepers including the gatekeeper, and controls the transport data transmitting section to

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transmit transport data to the end point in response to the gatekeeper discovery message, when it is determined that the gatekeeper has the lightest load.

In conventional networks, when a gatekeeper receives a gatekeeper discovery message from an end point, if the gatekeeper can register the data of the end point the gatekeeper sends back a registration possible message regardless of the condition of other gatekeepers. Thus, the load of a gatekeeper can become much heavier or much lighter than other gatekeepers in the network (Application at page 2, lines 1-16).

In the claimed invention, on the other hand, the gatekeepers do not necessarily have a dependency relationship (e.g., may operate independent of one another) but may share information (e.g., load stated information) with each other. Further, the gatekeepers may autonomously determine which of the gatekeepers has a lightest load.

In addition, the claimed invention includes a gatekeeper having a control section which determines whether the gatekeeper has the lightest load among a plurality of gatekeepers including the gatekeeper, and controls the transport data transmitting section to transmit transport data to the end point in response to the gatekeeper discovery message, when it is determined that the gatekeeper has the lightest load (Application at page 19, line 15-page 20, line 23). As a result, a load for an end point can be prevented from centering on a specific gatekeeper, and can be efficiently distributed among gatekeepers in the network (Application at page 20, line 24-page 21, line 3).

## II. THE ALLEGED PRIOR ART REFERENCES

### A. Ma

The Examiner alleges that Ma teaches the claimed invention of claims 1, 3, 8 and 14-20. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by Ma.

First, Applicant would point out that the Examiner fails to identify where the features of

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claims 14-20 which were added by the Amendment filed on June 10, 2005, are taught or suggested by Ma. For example, claim 14 recites "*wherein a load distribution is carried out to equalize a load autonomously between gatekeepers in said plurality of gatekeepers*", claim 15 recites "*wherein said load comprises a ratio of a number of actual registrations to a maximum number of registrations which can be registered by said gatekeeper*", claim 16 recites "*wherein said second control section controls said load state request message transmitting section to periodically transmit said load state request message*", claim 17 recites "*wherein said control section controls said transport data transmitting section to transmit transport data to said end point in response to the gatekeeper discovery message only when it is determined that said gatekeeper has the lightest load*", claim 18 recites "*wherein said first gatekeeper is independent of said second gatekeeper and shares information with said second gatekeeper*", and claim 19 recites "*wherein said first and second gatekeepers autonomously determine which of said first and second gatekeepers has a lightest load*".

Therefore, Applicant submits that the rejection of claims 14-20 based on Ma which is included in the Office Action is so **general and vague** that Applicant can not even fashion a response to the rejection. It is unclear to what features in Ma the Examiner is referring to as supporting his position.

Therefore, the Office Action dated May 20, 2005, was incomplete under 37 C. F. R. 1.104 which states that "[t]he Examiner's action **will be complete** as to all matters" (emphasis added), and MPEP 707.07 which states that "[w]here a claim is rejected for any reason related to the merits thereof it should be 'rejected' and the ground of rejection fully and clearly stated" (emphasis added).

Therefore, Applicant would submit that **the Examiner should allow these claims or provide Applicant with another non-final Office Action in which the Examiner clearly sets forth his grounds for rejecting these claims.**

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Ma discloses a telephony system which allegedly manages gatekeeper load by redirecting calls from an assigned gatekeeper to a servicing gatekeeper during call setup. Specifically, the system includes a gatekeeper having a load management unit (LMU) which processes **all** setup messages. In particular, the LMU **selects a gatekeeper** in the network to setup and service the call and, based on the selection, either directs the assigned gatekeeper to setup and service the call or redirects the endpoint to a servicing gatekeeper (Ma at col. 2, lines 43-65).

However, contrary to the Examiner's allegations, Ma does not teach or suggest *"a control section which: **determines whether said gatekeeper has the lightest load among a plurality of gatekeepers including said gatekeeper; and controls said transport data transmitting section to transmit transport data to said end point in response to the gatekeeper discovery message, when it is determined that said gatekeeper has the lightest load,**"* as recited, for example, in claims 1 and 20 and similarly recited in claim 8. As noted above, this helps to prevent a load for an end point from centering on a specific gatekeeper, such that the load can be efficiently distributed among gatekeepers in the network (Application at page 20, line 24-page 21, line 3).

Clearly, these novel features are not taught or suggested by Ma. Indeed, the Examiner again attempts to equate the load management unit (LMU) in the Ma system with the control section in the claimed invention. However, again this is clearly incorrect.

In short, Ma merely teaches that a first gatekeeper may redirect a call to a second gatekeeper based on the load on the first gatekeeper. Nowhere does Ma teach or suggest that the first gatekeeper considers whether the first gatekeeper has a greater load than the second gatekeeper. Indeed, nowhere does Ma even teach or suggest that the **relative loads** among the gatekeepers is ever considered in any context.

Instead, in Ma, when the first gatekeeper receives a call, it considers **only its own load**. If the first gatekeeper is too busy, it redirects the call to the second gatekeeper. The second gatekeeper then receives the call and considers **only its own load**, and if the second gatekeeper it

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is too busy, it redirects the call to a third gatekeeper, and so on.

That is, at no time do any of the gatekeepers in Ma ever consider the load on the other gatekeepers in determining whether to redirect the calls. Instead, in Ma, a gatekeeper only considers its own load in determining whether to redirect a call. This is completely different from the claimed invention.

Specifically, Ma describes a typical operation as follows:

*"...[u]pon call initiation, the endpoint 112 dials Gateway 104 ... requesting a call to endpoint 114. The Gateway 104 answers the call and performs initial call setup by sending a setup message to the Gateway 108 with which the endpoint 112 previously registered. ... the Gatekeeper 108 passes the setup message to a LMU ... the LMU ... determines which Gatekeeper 108 or 109 will service the call. ... if the LMU determines that the Gatekeeper 109 will service the call, it directs the Gatekeeper 108 to issue a facility redirect message to the endpoint 112, directing the Gateway 104 to send a setup message to Gatekeeper 109" (Ma at col. 5, line 63-col. 6, line 20).*

That is, nowhere in this typical operation in Ma, does the gatekeeper 108 determine whether it has a lighter load than gatekeeper 109. Instead, the gatekeeper 108 merely redirects the call based on its own load.

Further, the Examiner attempts to rely on col. 2, lines 52-53; col. 8, lines 55-56 in Ma to support his position. However, nowhere do these passages teach or suggest determining whether the gatekeeper **has the lightest load**. Indeed, Ma merely states here, for example, that "[t]he selection of a servicing Gatekeeper is based upon loading of the Gatekeepers, outages of any Gatekeepers if any and a possible goal of distributing call load evenly among the Gatekeepers" (Ma at col. 8, lines 55-58).

The Examiner seems to be equating the phrase "based upon loading" with "determining

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whether said gatekeeper has the lightest load". However, the Examiner's position is clearly unreasonable.

Indeed, Applicant would point out that the claimed invention involves more than merely redirecting calls based on a gatekeeper load as in Ma. In fact, the Background section of the present Application even discusses a conventional method in which, when a gatekeeper receives a "gatekeeper discovery message", sends back a "registration possible message" if the gatekeeper can register the data **regardless of the conditions of the other gatekeepers** (Application at page 2, lines 1-16). That is, Ma, like other conventional methods, may take or redirect a call **regardless of the conditions of the other gatekeepers**.

The claimed invention, on the other hand, includes a gatekeeper which may **determine whether it has the lightest load**, and transmit transport data **when it is determined that the gatekeeper has the lightest load**. Again, this helps to prevent a load for an end point from centering on a specific gatekeeper, such that the load can be efficiently distributed among gatekeepers in the network (Application at page 20, line 24-page 21, line 3). Nowhere is this taught or suggested by Ma.

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggested by Ma. Therefore, the Examiner is respectfully requested to withdraw this rejection.

#### **B. Mortself**

The Examiner alleges that Ma would have been combined with Mortself to form the invention of claims 4-7 and 10-13. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Mortself discloses an election protocol for an Internet telephony system in one gatekeeper is elected to be an active gatekeeper. The system sorts the gatekeepers into a hierarchy

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with the highest ranked gatekeeper designated to respond to request messages, while the other gatekeepers stand by in idle mode and do not respond to gatekeeper requests (Mortsof at Abstract).

Applicant respectfully submits that these references would not have been combined as alleged by the Examiner. Indeed, these references are completely unrelated, and no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Moreover, neither Ma, nor Mortsof, nor any alleged combination teaches or suggests "a control section which: determines whether said gatekeeper has the lightest load among a plurality of gatekeepers including said gatekeeper; and controls said transport data transmitting section to transmit transport data to said end point in response to the gatekeeper discovery message, when it is determined that said gatekeeper has the lightest load," as recited, for example, in claims 1 and 20, and similarly recited in claim 8.

As noted above, this helps to prevent a load for an end point from centering on a specific gatekeeper, such that the load can be efficiently distributed among gatekeepers in the network (Application at page 20, line 24–page 21, line 3).

Clearly, these novel features are not taught or suggested by Mortsof. Indeed, the Examiner has not even alleged that this feature is taught or suggested by Mortsof.

In fact, as pointed out in the Amendment filed on June 10, 2005, Mortsof merely teaches that one gatekeeper is elected (e.g., arbitrarily elected) to be an active gatekeeper. Further, the gatekeepers are sorted into a hierarchy with the only one gatekeeper designated to respond to request messages, while the other gatekeepers stand by in idle mode and do not respond to

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gatekeeper requests.

Specifically, Mortsof teaches that the gatekeepers are "ranked with respect to each other in accordance with the routine or sorting process 50 indicated in Fig. 3" (Mortsof at col. 7, lines 24-26). However, Mortsof states that the gatekeepers are given priority values "by the operator of the network", or "could be based on the network address of the Gatekeeper, or the chassis serial number for the Gatekeeper" (Mortsof at col. 7, lines 31-35). Nowhere does Mortsof teach or suggest that the gatekeepers are **ranked according to their loads**.

That is, nowhere does Mortsof teach or suggest that a gatekeeper determines whether it **has the lightest load**. Certainly, nowhere does Mortsof teach or suggest that a gatekeeper **transmits transport data to the end point in response to the gatekeeper discovery message when it is determined that the gatekeeper has the lightest load**. Therefore, Mortsof clearly does not make up for the deficiencies of Ma.

Therefore, Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

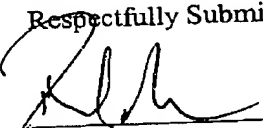


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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,


Date: 12/19/05

  
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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the foregoing Response was filed by facsimile with the United States Patent and Trademark Office, Examiner Donald L. Mills, Group Art Unit # 2662 at fax number 571-273-8300 this 13<sup>th</sup> day of December, 2005.

  
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